
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE LEE DAVID

Petitioner.

**MEMORANDUM DECISION AND
ORDER**

Case No: 1:17-cr-0008

District Judge Dee Benson

Before the court is Petitioner's Motion Requesting Judicial Recommendation Concerning Imprisonment. (Dkt. No. 24.) Having reviewed the filings and relevant materials, the court now issues the following Memorandum Decision and Order.

DISCUSSION

The Bureau of Prisons has the authority to designate the location of a federal inmate's imprisonment and to "direct the transfer of a prisoner from one penal or correctional facility to another." 18 U.S.C. § 3621(b). "[I]n an effort to better prepare the inmates for re-entry into the community," the Bureau of Prisons is directed—to the extent practicable—to transfer inmates to facilities such as residential re-entry centers (RRC) at some point during the final twelve months of their sentence. 18 U.S.C. § 3624(c). The sentencing court may make recommendations at the time of sentencing concerning RRC placement. However, if the sentencing court's recommendation is silent regarding imprisonment, it is improper for a district court to "encroach upon the [Bureau of Prison's] authority to decide where the prisoner may be confined during the pre-release period." *United States v. Holcomb*, No. CR 01-00218 KG, 2018 WL 1896542, at *2 (D.N.M. Apr. 18, 2018); *see also Prows v. Fed. Bureau of Prisons*, 981 F.2d 466, 469 (10th Cir. 1992).

Here, Petitioner requests that this court recommend a change in place of incarceration for the remainder of his sentence. However, at the time of Petitioner's sentencing in this criminal case, this court made no recommendation concerning the length of time for Petitioner to be placed in an RRC prior to his release. (*See* Dkt. No. 20.) Accordingly, the court is not authorized to determine the location of Petitioner's imprisonment. Petitioner should direct his request to the Bureau of Prisons.

CONCLUSION

For the reasons set forth above, Petitioner's Motion for Recommendation Concerning Imprisonment is hereby DENIED.

DATED this 27th day of November, 2019.

BY THE COURT:

A handwritten signature in black ink that reads "Dee Benson". The signature is written in a cursive, flowing style.

Dee Benson
United States District Judge